

1979 WL 42798 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 6, 1979

\*1 Mr. F. G. Scurry  
Route 5  
Saluda, South Carolina 29138

Dear Mr. Scurry:

As a member of the Saluda Nursing Center Board (Board), you have requested an opinion from this Office as to whether or not the Board is authorized to negotiate a personal services contract with a nursing home administrator for a period of time extending beyond the terms of office of the present Board members. In my opinion, the Board is not so authorized.

The general rule is that:

. . . contracts of employment for a period beyond the terms of the employing board are not valid. The principle is of particular importance where the nature and character of an employment are such as to require a board or officer to exercise a supervisory control over the appointee, . . . 63 Am.Jur.2d Public Officers § 307 at 812 (1972).

Inasmuch as the position of nursing home administrator is one over which the Board exercises supervisory control, a contract of employment beyond the term of office of the present Board members is not valid. Most probably, a contract of employment for a period not extending beyond the term of office of that present Board member whose term first expires would be authorized.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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